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United States District Court  
Southern District of Texas  
FILED

NOV 22 2000

Michael N. Milby  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

EDWARD ALCALA, et al.,

Plaintiffs,

vs.

ALEX PEREZ, in his official capacity as  
Sheriff of Cameron County, Texas and  
Cameron County, Texas,

Defendants.

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CIVIL ACTION NO.

**B-96-203**

**PLAINTIFFS' UNOPPOSED MOTION TO REINSTATE**

Plaintiffs hereby move to reinstate Jose Garcia Longoria, Jr., Social Security No. 462-61-7186, and in support of said motion, plaintiffs would respectfully show the following:

1. Plaintiff Jose Garcia Longoria, Jr. was originally a plaintiff in the above numbered cause. He is a resident of La Feria, Cameron County, Texas.

2. Plaintiff Longoria's answers to interrogatories were inadvertantly not mailed before the answer due date through no fault of his own. Plaintiff Longoria turned in his answers to interrogatories in September of 1998 prior to the time that the Court dismissed Mr. Longoria from the lawsuit for failing to answer these interrogatories. Through no fault of his own, Mr. Longoria appeared to be late in answering his interrogatories.

**WHEREFORE**, plaintiff prays and defendant does not oppose the reinstatement of Mr. Jose Garica Longoria, Jr. to this lawsuit.

Respectfully submitted,

BY: \_\_\_\_\_

GEORGE P. POWELL  
State Bar No. 16196000  
Fed. I.D. No. 3849  
"Attorney In Charge"  
**HINOJOSA & POWELL, P.C.**  
612 Nolana, Ste. 410  
McAllen, TX 78504  
(956) 686-2413  
Fax No. (956) 686-8462

JAMES A. HERRMANN  
State Bar No. 09541500  
Fed. I.D. No. 3824  
1205 E. Tyler Avenue  
P O Box 2541  
Harlingen, TX 78551-2541  
(956) 421-5776  
Fax No. (956) 421-5779

JOE VALLE  
State Bar No. 20435450  
Fed. I.D. No. 11422  
1120 E. 10th Street  
Brownsville, Texas 78520  
(956) 546-2829  
Fax No. (956) 542-4084

PATRICIA A. HERNANDEZ  
State Bar No. 00790874  
Fed. I.D. No. 18085  
117 E. Price Rd.  
Brownsville, TX 78521  
(956) 541-9001  
Fax No. (956) 550-9553



**Certificate Under Rule 6(b)**

On November 6<sup>th</sup>, 2000, James A. Herrmann spoke to Richard Burst, counsel for the defendant, and asked if he opposed this motion and Mr. Burst said he did not oppose the motion.

**CERTIFICATE OF SERVICE**

I, GEORGE P. POWELL, do hereby certify that on this the 6<sup>th</sup> day of November, 2000, I caused to be mailed a true and correct copy of Plaintiffs' Unopposed Motion to Reinstate Plaintiff Jose Garcia Longoria, Jr. and proposed Order to defendants' attorney of record:

Mr. Richard O. Burst  
**Legal Division Commissioners' Court**  
964 E. Harrison St.  
Brownsville, TX 78520

  
\_\_\_\_\_  
GEORGE P. POWELL

State of Texas

§

§

County of Cameron

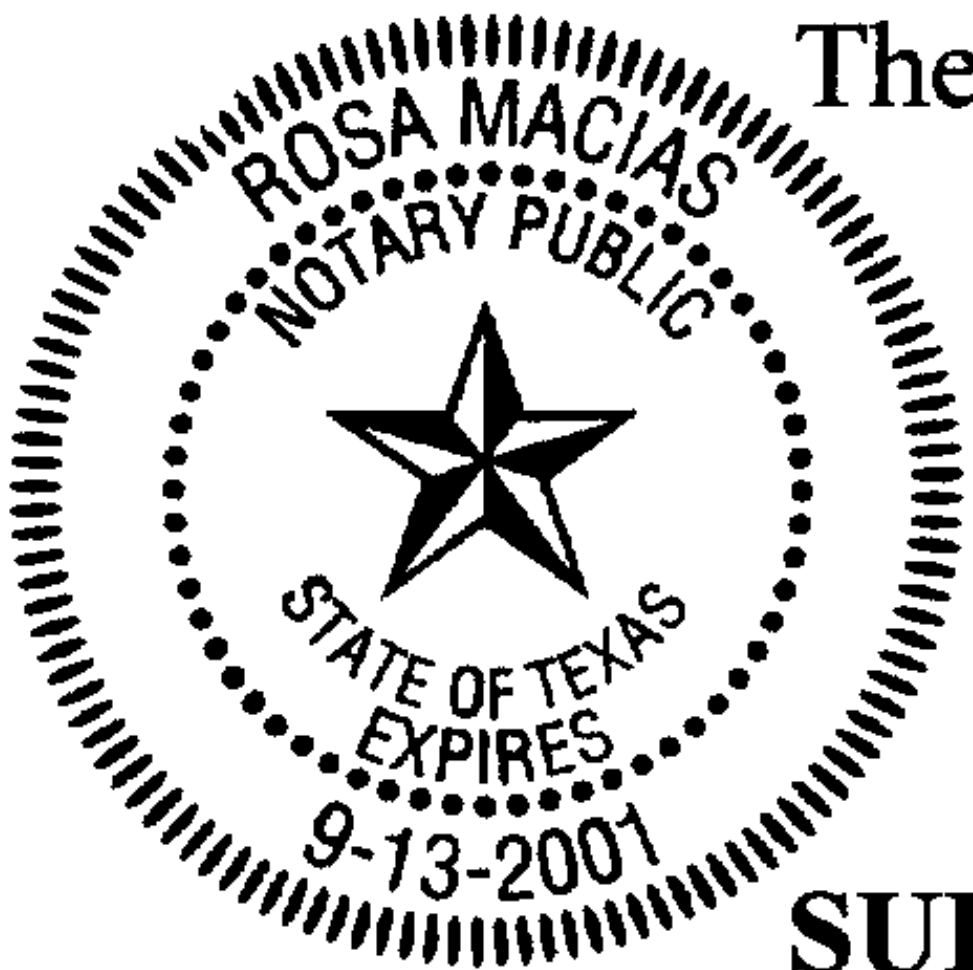
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Before me, the undersigned authority, on this day personally appeared Jose Garcia Longoria, Jr., who, by me, being first duly sworn upon oath, deposed and stated the following:

My name is Jose Garcia Longoria, Jr., Social Security No. 462-61-7186. I am over the age of 18 and competent to make this Affidavit. I am a resident of La Feria, Cameron County, Texas. I was a plaintiff in the lawsuit against Cameron County for overtime wages. *Alcala, et al. vs. Alex Perez*, C.A. No. B-96-203.

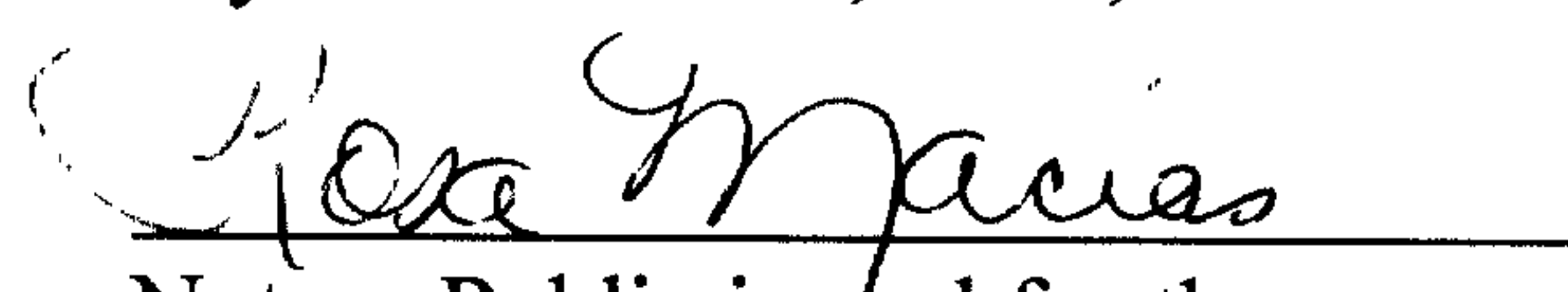
During the period of time that the defendant sent interrogatories and requests for production of documents I was in the process of leaving to a training at the academy in Georgia through my employment with the Immigration and Naturalization Service and I submitted my answers to the defendant's discovery to Patricia Hernandez' office prior to leaving to Georgia. Through no fault of my own, said answers were submitted late for filing.

The above information is true and correct to my own knowledge.



  
Jose Garcia Longoria, Jr., Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME**, a Notary Public, by the said Jose Garcia Longoria, Jr., on this the 3<sup>rd</sup> day of November, 2000, to witness my hand and official seal of office.

  
Notary Public in and for the  
State of Texas